

EXHIBIT 39

Robert Rice

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<p>IN THE UNITED STATES DISTRICT COURT for the MIDDLE DISTRICT of PENNSYLVANIA</p> <p>ELLEN GERHART, ELISE GERHART, : ALEX LOTORTO and ELIZABETH : GLUNT : Plaintiffs : NO. 17-1726-YK : -VS- : : ENERGY TRANSFER PARTNERS, : L.P., et al. : Defendants</p> <p>***** THURSDAY, MAY 5, 2022 *****</p> <p>Zoom Video Conferencing virtual remote videotaped deposition of ROBERT RICE, taken pursuant to notice, held in Raleigh, North Carolina on Thursday, May 5, 2022, beginning at 10:07 a.m., before Susan L. Singlar, Professional Court Reporter and Notary Public of the Commonwealth of Pennsylvania, there being present.</p> <p>Any reproduction of this transcript is prohibited without authorization by the certifying agency.</p> <p>KAPLAN, LEAMAN AND WOLFE Registered Professional Reporters 230 South Broad Street, Suite 1303 Philadelphia, PA 19102 (215) 922-7112</p>	<p>1 APPEARANCES:</p> <p>2</p> <p>3 WILLIAMS CEDAR LLC BY: CHRISTOPHER MARKOS, ESQUIRE 4 1515 Market Street, Suite 1300 Philadelphia, Pennsylvania 19102 5 (215) 557-0099 Cmarkos@williamscedar.com 6 Representing the Plaintiffs</p> <p>7</p> <p>8 LENGERT & RAIDERS LLC 9 BY: RICHARD A. RAIDERS, ESQUIRE 606 North 5th Street 10 Reading, Pennsylvania 19601 (484) 509-2715 11 Rich@raiderslaw.com 12 Representing the Plaintiffs 13</p> <p>14 McNEES WALLACE & NURICK BY: STEPHANIE CARFLEY, ESQUIRE 15 BY: ALAN BOYNTON, ESQUIRE 100 Pine Street 16 Harrisburg, Pennsylvania 17101 (717) 581-3724 17 Scarfley@mcneeslaw.com Abitbib@mcneeslaw.com 18 Representing s Energy Transfer 19 Partners, L.P., Sunoco Pipeline, L.P., Sunoco Logistics, L.P., 20 21 22 23 24</p>																																												
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<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 PENNSYLVANIA STATE POLICE ASSISTANT COUNSEL 4 BY: JESSICA DAVIS, ESQUIRE 1800 Elmerton Avenue 5 Harrisburg, Pennsylvania 17100 (717) 787-0388 6 Jessicdavi@pa.gov 7 Representing Trooper Dunsmore and Trooper Ehgartner and Trooper Benson 8 9</p> <p>10 LAVERY LAW BY: FRANK LAVERY, ESQUIRE 225 Market Street 11 Harrisburg, Pennsylvania 17108 (717) 233-6633 12 Flavery@laverylaw.com 13 Representing TigerSwan, LLC 14</p> <p>15 SIANA, BELLWOAR & MCANDREW, LLP BY: CHRISTOPHER P. GERBER, ESQUIRE 16 941 Pottstown Pike Suite 200 Chester Springs, Pennsylvania 19425 17 (610) 321-5500 Cpgerber@sianalaw.com 18 Representing Nick Johnson 19 20</p> <p>21 ALSO PRESENT:</p> <p>22 CHRIS WEISS-CALHOON, Audio Visual Specialist 23 24</p>	<p>1 INDEX</p> <p>2</p> <table border="0"> <tr> <td>3 WITNESS</td> <td>PAGE</td> </tr> <tr> <td>4 ROBERT RICE</td> <td></td> </tr> <tr> <td>5 (Witness sworn.)</td> <td>8</td> </tr> <tr> <td>6 EXAMINATION by MR. MARKOS</td> <td>8</td> </tr> <tr> <td>7</td> <td></td> </tr> <tr> <td>8 EXHIBITS</td> <td></td> </tr> <tr> <td>9</td> <td></td> </tr> <tr> <td>10 NUMBER DESCRIPTION PAGE</td> <td></td> </tr> <tr> <td>11 Exhibit-1 Subpoena</td> <td>15</td> </tr> <tr> <td>12 Exhibit-2 Emails</td> <td>25</td> </tr> <tr> <td>13 Exhibit-3 TigerSwan Task Order/Assignment Sheet</td> <td>29</td> </tr> <tr> <td>14 Exhibit-4 Black Badger Report</td> <td>59</td> </tr> <tr> <td>15 Exhibit-5 Various documents</td> <td>63</td> </tr> <tr> <td>16</td> <td></td> </tr> <tr> <td>17 REQUESTS FOR PRODUCTION:</td> <td></td> </tr> <tr> <td>18 (NONE)</td> <td></td> </tr> <tr> <td>19</td> <td></td> </tr> <tr> <td>20 DIRECTION TO WITNESS NOT TO ANSWER:</td> <td></td> </tr> <tr> <td>21 PAGE: 68 LINE: 14</td> <td></td> </tr> <tr> <td>22</td> <td></td> </tr> <tr> <td>23</td> <td></td> </tr> <tr> <td>24</td> <td></td> </tr> </table>	3 WITNESS	PAGE	4 ROBERT RICE		5 (Witness sworn.)	8	6 EXAMINATION by MR. MARKOS	8	7		8 EXHIBITS		9		10 NUMBER DESCRIPTION PAGE		11 Exhibit-1 Subpoena	15	12 Exhibit-2 Emails	25	13 Exhibit-3 TigerSwan Task Order/Assignment Sheet	29	14 Exhibit-4 Black Badger Report	59	15 Exhibit-5 Various documents	63	16		17 REQUESTS FOR PRODUCTION:		18 (NONE)		19		20 DIRECTION TO WITNESS NOT TO ANSWER:		21 PAGE: 68 LINE: 14		22		23		24	
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<p>1 MS. WEISS-CALHOON: We are on the 2 record. My name is Chris Weiss-Calhoon, 3 certified legal videographer retained by On 4 The Record. 5 This is a video deposition in the 6 United States District Court for the Middle 7 District of Pennsylvania. Today's date is 8 May 5th of 2022. The time on the monitor is 9 10:07 a.m. Eastern Time. 10 The deposition is being held virtually 11 in the matter of Ellen Gerhart, et al versus 12 Energy Transfer Partners, et al. The deponent 13 is Robert Rice for the record. 14 Will the attorneys please state their 15 appearance for the record? 16 MR. MARKOS: Christopher Markos for the 17 plaintiffs. 18 MR. RAIDERS: Rich Raider for the 19 plaintiff. 20 MR. LAVERY: Frank Lavery for TigerSwan 21 and also representing the witness, Robert 22 Rice. 23 MS. CARFLEY: Stephanie Carfley for 24 Sunoco Pipeline and Energy Transfer Partners.</p>	<p>1 MR. BOYNTON: Alan Boynton, also for 2 Energy Transfer Partners and Sunoco Pipeline. 3 MS. DAVIS: Jessica Davis for the 4 Pennsylvania State Police defendants, 5 Ehgartner and Dunsmore. 6 MS. WEISS-CALHOON: And the court 7 reporter today is Susan Singlar of Kaplan 8 Lehman Wolfe and will now administer the oath. 9 THE COURT REPORTER: Before I swear in 10 the witness, I will ask counsel to stipulate 11 on the record that the court reporter may 12 swear in the deponent, even though she is not 13 in the physical presence of the deponent, and 14 that there is no objection to that at this 15 time, nor will there be an objection to it at 16 a future date. 17 Christopher, can you stipulate to that, 18 please? 19 MR. MARKOS: I do. 20 THE COURT REPORTER: Richard? 21 MR. RAIDERS: Yes, I do. 22 THE COURT REPORTER: Stephanie? 23 Alan? 24 MR. BOYNTON: I do.</p>
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<p>1 THE COURT REPORTER: We'll skip 2 Stephanie. 3 Jessica? 4 MS. CARFLEY: Oh, I'm sorry. I must 5 have been on mute. I do. 6 THE COURT REPORTER: Jessica? 7 MS. DAVIS: I do. 8 THE COURT REPORTER: Frank? 9 MR. LAVERY: Yup, I do. 10 THE COURT REPORTER: And Christopher? 11 Christopher Gerber? 12 MR. GERBER: Yes, I'm fine. 13 THE COURT REPORTER: And, counsel, can 14 you represent that to the best of your 15 knowledge and belief, the witness appearing 16 today via Zoom is, indeed, Robert Rice? 17 Mr. Lavery? 18 MR. LAVERY: I stipulate to that. 19 THE COURT REPORTER: Usual 20 stipulations? 21 MR. LAVERY: That will be fine with the 22 exception that the witness will read and sign 23 the transcript when it's prepared. 24 *****</p>	<p>1 ROBERT RICE, having been duly sworn, 2 was examined and testified as follows: 3 ***** 4 EXAMINATION 5 ***** 6 BY MR. MARKOS: 7 Q. If you can't hear me, this goes for 8 everybody, just tell me to speak up. I'll do by 9 best. My voice is not a hundred percent. 10 Robert, thank you for being here today. 11 My name is Chris Markos. I represent the plaintiffs 12 in the case that you are here to testify about. 13 Have you ever given a deposition 14 before? 15 A. I have, yes. 16 Q. Do you remember how recently? 17 A. No, several years ago, between six and 18 ten, I think. 19 Q. Was that the only time you've given a 20 deposition? 21 A. I believe so, yes. 22 Q. Okay. 23 Do you know what that case was about? 24 A. It was personal related.</p>

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<p>1 Q. Were you a party?</p> <p>2 A. Yes.</p> <p>3 Q. You said personnel or personal?</p> <p>4 A. Personal.</p> <p>5 Q. Okay.</p> <p>6 Was the case in North Carolina?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Even if you told me you had</p> <p>9 given a deposition yesterday, I still go through</p> <p>10 these ground rules with you because it makes sense to</p> <p>11 be on the same page.</p> <p>12 We are not face-to-face today but let's</p> <p>13 do our best to act as if we were. Being on Zoom has</p> <p>14 its own particular set of considerations that we need</p> <p>15 to take into account to make today go smoothly.</p> <p>16 First and foremost is that we let each other finish</p> <p>17 our respective questions and answers so that nobody</p> <p>18 is talking over anybody else. It's hard to have a</p> <p>19 conversation that way usually, but especially when</p> <p>20 you have Susan writing everything down.</p> <p>21 Similarly, even though we can all see</p> <p>22 each other, it's important that you verbalize your</p> <p>23 responses, even if you're going to gesture with your</p> <p>24 head to nod or shake your head; and similarly, that</p>	<p>1 you verbalize a word, rather than a sound like uh-huh</p> <p>2 or an uh-uh because that's not clear enough of an</p> <p>3 answer for the stenographer today or for the record</p> <p>4 of this conversation.</p> <p>5 Does that all make sense so far?</p> <p>6 A. Yes, it does.</p> <p>7 Q. If you can't understand a question,</p> <p>8 either because my voice is soft or you just don't</p> <p>9 understand the question, please tell me. I'll do my</p> <p>10 best to accommodate you. If you answer the question,</p> <p>11 it will be assumed that you understood it.</p> <p>12 Okay?</p> <p>13 A. Understood.</p> <p>14 Q. I don't think we'll be all day. Still,</p> <p>15 if you need to take a break at any time, that's no</p> <p>16 problem. Only if I've asked you a question you will</p> <p>17 finish your answer and then we can take a break.</p> <p>18 Okay?</p> <p>19 A. Yes.</p> <p>20 Q. And, you know, as you know, this</p> <p>21 deposition is being videotaped. It's also being</p> <p>22 transcribed. You swore an oath. You're testifying</p> <p>23 today as if you were in court.</p> <p>24 Do you understand that?</p>
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<p>1 A. Yes, I do.</p> <p>2 Q. Okay.</p> <p>3 And that this transcript could one day</p> <p>4 be used in this court case?</p> <p>5 You understand that, as well?</p> <p>6 A. I do, yeah.</p> <p>7 Q. Okay. I'll just do this as sort of a</p> <p>8 preliminary thing.</p> <p>9 I'll pull up -- do you see this</p> <p>10 document?</p> <p>11 A. I do.</p> <p>12 Q. In the middle it says: Subpoena to</p> <p>13 testify?</p> <p>14 A. Yes.</p> <p>15 Q. All right.</p> <p>16 Do you recall seeing this document</p> <p>17 before?</p> <p>18 A. Without reading it, glancing at it,</p> <p>19 this looks like what I received.</p> <p>20 Q. If you'd like to read it, please take</p> <p>21 your time.</p> <p>22 A. Yeah. I mean, this is what it looks</p> <p>23 like.</p> <p>24 Q. Okay.</p>	<p>1 And just so you know, since I have --</p> <p>2 I'm sharing clean documents with you. I would love</p> <p>3 for you to tell me if you need me to zoom in, zoom</p> <p>4 out, scroll, whatever.</p> <p>5 Okay?</p> <p>6 A. Okay.</p> <p>7 Q. Do you recall around when you received</p> <p>8 this document?</p> <p>9 A. No, not offhand. It's been at least a</p> <p>10 month.</p> <p>11 Q. Okay.</p> <p>12 What did you do after receiving this</p> <p>13 document?</p> <p>14 A. I read it. And I was -- I guess I was</p> <p>15 a little stunned. It was early in the morning. I</p> <p>16 tend to, you know, work late at night and I was a</p> <p>17 little surprised by the knock at the door.</p> <p>18 So I read it and put it down and I kind</p> <p>19 of went back to bed.</p> <p>20 Q. Fair enough. And I'm sorry.</p> <p>21 Obviously, I have no control over the mechanics.</p> <p>22 Did you talk to anybody after receiving</p> <p>23 this document? And just so you know, your</p> <p>24 conversations with Frank and his firm are obviously</p>

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<p>1 privileged. I'm not asking about that.</p> <p>2 A. I talked to my wife.</p> <p>3 Q. Okay.</p> <p>4 Did you talk to Nick Johnson?</p> <p>5 A. Not -- not right away. I did later.</p> <p>6 Q. Okay.</p> <p>7 Did you talk to anybody at TigerSwan?</p> <p>8 A. Not specifically. I did call and</p> <p>9 advised them that I had received this.</p> <p>10 Q. Do you know who you called?</p> <p>11 A. I -- I -- give me a second. I do. I'm</p> <p>12 just trying to remember his name.</p> <p>13 Q. Well, let me ask you a little</p> <p>14 differently.</p> <p>15 Did you call a specific person or did</p> <p>16 you call, like, a general number?</p> <p>17 A. I called a specific person. I'm</p> <p>18 literally just blanking on the name at the moment.</p> <p>19 Q. We can come back to it.</p> <p>20 A. Okay. That's fine.</p> <p>21 Q. And if you remember before I ask you,</p> <p>22 you can just tell me.</p> <p>23 Besides that phone call, have you</p> <p>24 spoken to anybody at TigerSwan between receiving this</p>	<p>1 document and today --</p> <p>2 A. I have not.</p> <p>3 Q. -- about this -- about this case?</p> <p>4 A. No.</p> <p>5 Q. Okay.</p> <p>6 How many times did you talk to Nick</p> <p>7 Johnson after receiving this document?</p> <p>8 A. I would say one time by phone and twice</p> <p>9 over text.</p> <p>10 Q. Okay.</p> <p>11 What did you talk about?</p> <p>12 A. I wanted to know who the attorneys</p> <p>13 were.</p> <p>14 Q. Is that it?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 Are you familiar with the Complaint in</p> <p>18 this case?</p> <p>19 A. To a small degree, yes, but not in any</p> <p>20 detail.</p> <p>21 Q. Have you reviewed any documents to</p> <p>22 prepare for your deposition today?</p> <p>23 A. Yes.</p> <p>24 Q. Can you tell me what you looked at?</p>
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<p>1 A. It was several, I guess -- I'm not sure</p> <p>2 how to describe it. It was with the attorneys.</p> <p>3 Q. Okay. That's fine.</p> <p>4 Did you talk to Kurt Merriweather</p> <p>5 between receiving this document and today?</p> <p>6 A. No. I have not.</p> <p>7 Q. Okay.</p> <p>8 Do you know who that person is?</p> <p>9 A. Yes.</p> <p>10 Q. How do you know him?</p> <p>11 A. I met him -- I'd have to estimate,</p> <p>12 probably maybe ten years ago through a tech</p> <p>13 conference. We're both in the same industry.</p> <p>14 Q. You said "tech conference?"</p> <p>15 A. Yes, I did.</p> <p>16 Q. Okay.</p> <p>17 Was that in North Carolina?</p> <p>18 A. Yes.</p> <p>19 MR. MARKOS: Just for the record, I'll</p> <p>20 mark the Subpoena as Exhibit-1.</p> <p>21 BY MR. MARKOS:</p> <p>22 Q. Do you see in the middle?</p> <p>23 A. Yes.</p> <p>24 Q. Let me know when you read that.</p>	<p>1 A. I read it.</p> <p>2 Q. Before receiving this document, or</p> <p>3 thereafter, did you make any effort to locate the</p> <p>4 documents described in that paragraph, that box?</p> <p>5 A. I did to the extent that I thought I</p> <p>6 might have had any.</p> <p>7 Q. Okay.</p> <p>8 And where did you look?</p> <p>9 A. My -- my computer and email.</p> <p>10 Q. Okay.</p> <p>11 Did you look through your phone?</p> <p>12 A. I'm sorry?</p> <p>13 Q. Did you look through your phone?</p> <p>14 A. No. It's a new phone.</p> <p>15 Q. Okay.</p> <p>16 New as of when?</p> <p>17 A. It's a -- it's a Pixel 6, so whenever</p> <p>18 those came out, so I would guess within a year.</p> <p>19 Q. Okay.</p> <p>20 Do you remember what phone you had in</p> <p>21 2017?</p> <p>22 A. I've gone through -- I have no idea. I</p> <p>23 usually go through a phone every year.</p> <p>24 Q. And you don't save them or keep them?</p>

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<p>1 A. No. There's no need to.</p> <p>2 Q. Okay.</p> <p>3 Do you have the same computer that you</p> <p>4 had in 2017?</p> <p>5 A. No. I do not.</p> <p>6 Q. Okay.</p> <p>7 Do you have a backup of files that you</p> <p>8 would have worked on in 2017?</p> <p>9 A. In general for what I do in my personal</p> <p>10 work, yes.</p> <p>11 Q. Yeah.</p> <p>12 A. For this, no.</p> <p>13 Q. Let me ask a question.</p> <p>14 I mean, my understanding, tell me if</p> <p>15 I'm correct, is that you spent time working in</p> <p>16 Tigerswan's office in Apex around 2017; is that</p> <p>17 correct?</p> <p>18 A. That's correct. Yeah.</p> <p>19 Q. And when you worked in the Apex office</p> <p>20 there, did you use your own personal computer or a</p> <p>21 TigerSwan device?</p> <p>22 A. TigerSwan device.</p> <p>23 Q. Okay.</p> <p>24 Can you describe what it was, if it was</p>	<p>1 a laptop or a desktop?</p> <p>2 A. A desktop.</p> <p>3 Q. Do you know what brand?</p> <p>4 A. No, no idea.</p> <p>5 Q. When you reached out to TigerSwan, did</p> <p>6 you ask if they had any of the documents described on</p> <p>7 this Subpoena?</p> <p>8 A. I did not.</p> <p>9 Q. Okay.</p> <p>10 Did you find any documents?</p> <p>11 You said you searched before, but did</p> <p>12 you find anything?</p> <p>13 A. No. I did not.</p> <p>14 Q. Is your position then that you have no</p> <p>15 documents that would relate to what's described in</p> <p>16 this Subpoena?</p> <p>17 A. That is correct.</p> <p>18 Q. Okay.</p> <p>19 If you were working on a TigerSwan</p> <p>20 device, did you have TigerSwan-issued credentials to</p> <p>21 log into it?</p> <p>22 A. I'm sorry?</p> <p>23 Q. You said you worked on a -- you used a</p> <p>24 TigerSwan-issued device when you worked in the Apex</p>
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<p>1 office.</p> <p>2 A. Yes.</p> <p>3 Q. Did they issue you credentials to log</p> <p>4 into it?</p> <p>5 A. What do you mean by credentials?</p> <p>6 Q. Like, a user name and password.</p> <p>7 A. I don't recall being issued</p> <p>8 credentials. I think it was just -- I just kind of</p> <p>9 started it up and I might have logged in on just my</p> <p>10 own user name.</p> <p>11 Q. Okay.</p> <p>12 Do you see a different document now?</p> <p>13 A. I do.</p> <p>14 Q. I have scrolled down to the top of page</p> <p>15 DF TigerSwan 1939. And I'm back up to the top.</p> <p>16 Do you see where my cursor is?</p> <p>17 A. Yes.</p> <p>18 Q. You see where it says: Two -- R2 at</p> <p>19 TigerSwan?</p> <p>20 A. Yes.</p> <p>21 Q. Is that your email?</p> <p>22 A. At the -- now? No. At the time, yes.</p> <p>23 Q. That's what I meant.</p> <p>24 Did you have any other at TigerSwan.com</p>	<p>1 email address?</p> <p>2 A. I did, yes. It's the same email but</p> <p>3 this is actually the alias for the other one. It's,</p> <p>4 like, a forwarder. So it's the same account but with</p> <p>5 a different name.</p> <p>6 Q. When you say "alias," is that R2?</p> <p>7 A. Yes.</p> <p>8 Q. Right where I have highlighted?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay.</p> <p>11 A. No. No. No. I'm sorry. I'm sorry.</p> <p>12 No. R2 at TigerSwan, that's like -- it's a</p> <p>13 forwarding -- it's a forwarding alias to the actual</p> <p>14 account.</p> <p>15 Q. The actual TigerSwan account?</p> <p>16 A. That's correct.</p> <p>17 Q. So what's the actual TigerSwan account?</p> <p>18 A. It was either R dot Rice or it was</p> <p>19 Robert dot Rice at TigerSwan, if I remember</p> <p>20 correctly.</p> <p>21 Q. I'm scrolling up to 1938. If you know,</p> <p>22 do you see where it says: Nate Johnson?</p> <p>23 A. Yes.</p> <p>24 Q. And it says: N Johnson at</p>

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<p>1 TigerSwan.com?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall whether that was Nick</p> <p>4 Johnson's email address?</p> <p>5 A. I believe so.</p> <p>6 If I remember -- if I may answer your</p> <p>7 previous question.</p> <p>8 Q. The one who you talked to at TigerSwan?</p> <p>9 A. Yes.</p> <p>10 Q. Yeah.</p> <p>11 A. I believe it was Shawn Sweeney.</p> <p>12 Q. Is there a reason you reached out to</p> <p>13 him in particular?</p> <p>14 A. Somebody I know, I guess.</p> <p>15 Q. Is he the only person at TigerSwan you</p> <p>16 still know?</p> <p>17 A. I do not know. They have -- they have</p> <p>18 had some personnel changes since I'm not -- not</p> <p>19 associated with them.</p> <p>20 Q. Okay.</p> <p>21 For what period of time are you doing</p> <p>22 work in their Apex office, Tigerswan's Apex office?</p> <p>23 A. I don't remember, but it was certainly</p> <p>24 during the time of these emails and then maybe before</p>	<p>1 that for maybe a year-ish. I was not -- I was not</p> <p>2 employed there. I was just kind of a contract</p> <p>3 consultant so I came in as needed.</p> <p>4 Q. Yeah.</p> <p>5 And then you said around the time of</p> <p>6 these emails, maybe a year before.</p> <p>7 What about after? You see the date is</p> <p>8 July 17, 2017.</p> <p>9 A. Yeah. I honestly don't remember much</p> <p>10 after I haven't been involved for -- for several</p> <p>11 years now. I have been working on other -- other</p> <p>12 ventures.</p> <p>13 Q. Okay. You said you came in as needed.</p> <p>14 Is that what you just previously said?</p> <p>15 A. Yes.</p> <p>16 MR. LAVERY: Objection. He said he</p> <p>17 worked as a consultant and came in as needed.</p> <p>18 MR. MARKOS: Well, I was going to get</p> <p>19 to that.</p> <p>20 BY MR. MARKOS:</p> <p>21 Q. During the time while you were doing</p> <p>22 consulting for TigerSwan, did you do that anywhere</p> <p>23 else besides from within their Apex headquarters?</p> <p>24 MR. LAVERY: Object to form.</p>
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<p>1 Are you saying did he do it for</p> <p>2 TigerSwan anywhere else or do it for anybody</p> <p>3 at all anywhere else?</p> <p>4 MR. MARKOS: Yeah. When he was --</p> <p>5 BY MR. MARKOS:</p> <p>6 Q. You said he was doing consulting work</p> <p>7 for TigerSwan.</p> <p>8 Did you do that only in their office or</p> <p>9 did you do consulting work for TigerSwan anywhere</p> <p>10 else?</p> <p>11 Does that make sense?</p> <p>12 A. Yes. I did do work at other locations</p> <p>13 for clients.</p> <p>14 Q. I'm only asking about your consulting</p> <p>15 with TigerSwan.</p> <p>16 A. I'm trying to figure out how to answer</p> <p>17 this clearly. There were occasions where a TigerSwan</p> <p>18 client would have work off site, so I would be</p> <p>19 somewhere else, maybe another country, another, you</p> <p>20 know, whatever.</p> <p>21 Q. All right. I understand.</p> <p>22 Did your off-site work ever take you to</p> <p>23 Pennsylvania?</p> <p>24 A. One more time.</p>	<p>1 Q. Did that off-site work for TigerSwan</p> <p>2 ever take you to Pennsylvania?</p> <p>3 A. One time, yes.</p> <p>4 Q. Do you remember when?</p> <p>5 A. I do not.</p> <p>6 Q. Do you remember why?</p> <p>7 A. Vaguely. It had something to do with</p> <p>8 doing a security assessment on a facility that was</p> <p>9 having some issues.</p> <p>10 Q. Was it related to a pipeline?</p> <p>11 A. It was not.</p> <p>12 Q. Okay.</p> <p>13 Was the client Energy Transfer</p> <p>14 Partners, Sunoco Pipeline or Sunoco Logistics?</p> <p>15 A. I do not know who the client was but I</p> <p>16 believe the facility was a Sunoco facility.</p> <p>17 Q. Okay.</p> <p>18 Do you remember whether they were in</p> <p>19 Pennsylvania?</p> <p>20 A. I have no clue.</p> <p>21 Q. Do you remember what year?</p> <p>22 A. I do not.</p> <p>23 Q. You -- you said you were consulting or</p> <p>24 contracting with TigerSwan. Just tell me again how</p>

6 (Pages 21 to 24)

Robert Rice

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<p>1 you describe it so I can use your term.</p> <p>2 A. The terms are interchangeable to me.</p> <p>3 Q. Okay.</p> <p>4 Did you have a written agreement</p> <p>5 pursuant to which you provided services to TigerSwan?</p> <p>6 A. I believe I did have consulting</p> <p>7 agreement.</p> <p>8 Q. Do you still have a copy?</p> <p>9 A. I do not.</p> <p>10 Q. Do you recall the terms agreement?</p> <p>11 A. No. I do not.</p> <p>12 MR. LAVERY: Object to form. It's</p> <p>13 overboard, too. But he answered.</p> <p>14 BY MR. MARKOS:</p> <p>15 Q. Was the agreement for a specific period</p> <p>16 of time?</p> <p>17 A. No.</p> <p>18 Q. Did the agreement provide for how the</p> <p>19 relationship could be terminated?</p> <p>20 A. I don't remember.</p> <p>21 Q. Back to this document.</p> <p>22 Now do you see where my cursor is on</p> <p>23 Monday, July 17th?</p> <p>24 A. Yes.</p>	<p>1 Q. There's a link to a WhatsApp chat?</p> <p>2 A. Okay.</p> <p>3 Q. Did you utilize WhatsApp for your work</p> <p>4 with TigerSwan?</p> <p>5 A. I may have. I used a variety of tools.</p> <p>6 Q. What other communication tools did you</p> <p>7 use to perform your work?</p> <p>8 A. I don't remember specifically.</p> <p>9 Q. Did you have a personal cell phone that</p> <p>10 you would use?</p> <p>11 A. I have had a personal cell phone since</p> <p>12 personal cell phones have been around.</p> <p>13 Q. Bad question. Fair enough.</p> <p>14 Were you issued a cell phone by</p> <p>15 TigerSwan with which to perform the work they were</p> <p>16 asking you to do?</p> <p>17 A. No. I was not.</p> <p>18 Q. Okay.</p> <p>19 How did you meet Nick Johnson?</p> <p>20 A. He was a referral through Kurt</p> <p>21 Merriweather.</p> <p>22 Q. Do you remember when Kurt Merriweather</p> <p>23 facilitated your introduction to Nick Johnson?</p> <p>24 A. I do not.</p>
Page 27	Page 28
<p>1 Q. Do you recall if it was in or around</p> <p>2 2016?</p> <p>3 A. I do not know.</p> <p>4 Q. Okay.</p> <p>5 Before Kurt Merriweather introduced you</p> <p>6 to Nick Johnson, did you know his name?</p> <p>7 A. No.</p> <p>8 Q. Did you know his work?</p> <p>9 A. No. As I said, he was a referral.</p> <p>10 Q. Okay.</p> <p>11 Did you request a referral from Kurt</p> <p>12 Merriweather?</p> <p>13 A. Yes.</p> <p>14 Q. What did you ask Kurt Merriweather</p> <p>15 exactly?</p> <p>16 A. I don't recall the specifics.</p> <p>17 Q. Was it in connection to the consulting</p> <p>18 you were doing with TigerSwan?</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember not so much the work</p> <p>21 but, like, the type of candidate you were asking for</p> <p>22 him to refer you to?</p> <p>23 A. I was looking for somebody that was</p> <p>24 familiar with -- with overall web development, video</p>	<p>1 production, social media, pretty much web 2.0</p> <p>2 technologies.</p> <p>3 Q. At some point Kurt introduced you to</p> <p>4 Nick Johnson?</p> <p>5 A. Yes.</p> <p>6 Q. And did you come to be satisfied that</p> <p>7 he had those qualifications that you were looking</p> <p>8 for?</p> <p>9 A. I assume so, yes.</p> <p>10 Q. And how did you make that</p> <p>11 determination?</p> <p>12 A. I don't remember in this specific case.</p> <p>13 Q. What did you tell Nick Johnson about</p> <p>14 the kind of work that you do?</p> <p>15 A. I don't remember specifically.</p> <p>16 Q. Did you tell Nick Johnson who he would</p> <p>17 be doing the work for?</p> <p>18 A. I don't remember the specifics of the</p> <p>19 details of the conversation. It's been several</p> <p>20 years.</p> <p>21 MR. LAVERY: Chris, could you just</p> <p>22 indicate what the document is, either by Bates</p> <p>23 number or exhibit number just so we know? I</p> <p>24 mean, obviously, we know what it is. I can</p>

7 (Pages 25 to 28)

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<p>1 see it on the screen, but just so the record's</p> <p>2 clear.</p> <p>3 MR. MARKOS: No. I know, Frank. And</p> <p>4 I'm trying to write it down because if I don't</p> <p>5 I'll forget it.</p> <p>6 MR. LAVERY: That's why I'm asking you</p> <p>7 because I will, too.</p> <p>8 MR. MARKOS: This is a set of documents</p> <p>9 Bates stamped Cedar Fork 1 through 29.</p> <p>10 THE COURT REPORTER: Christopher?</p> <p>11 MR. MARKOS: Yes.</p> <p>12 THE COURT REPORTER: Did you want to</p> <p>13 mark what you showed previously? I don't</p> <p>14 remember what we were on. It was an email, I</p> <p>15 think.</p> <p>16 MR. MARKOS: Yeah. So I showed the</p> <p>17 Subpoena and that will be Exhibit-1. I showed</p> <p>18 a set of emails. That will be Exhibit-2. And</p> <p>19 then this document will be Exhibit-3.</p> <p>20 THE COURT REPORTER: Thank you.</p> <p>21 MR. MARKOS: And I'm writing it down so</p> <p>22 I don't forget.</p> <p>23 BY MR. MARKOS:</p> <p>24 Q. Robert, have you seen this document</p>	<p>1 before?</p> <p>2 A. I believe so, yes.</p> <p>3 Q. Okay.</p> <p>4 Your name is on it; correct?</p> <p>5 A. Yes.</p> <p>6 Q. You were going to say something. Go</p> <p>7 ahead.</p> <p>8 A. No. That's fine.</p> <p>9 Q. What does project manager mean?</p> <p>10 A. It means project manager, someone who</p> <p>11 manages a project.</p> <p>12 Q. What project were you managing?</p> <p>13 A. At this specific time?</p> <p>14 Can you be more -- can you be more</p> <p>15 specific in your question?</p> <p>16 Q. The document says: Robert Rice,</p> <p>17 project manager.</p> <p>18 If you know the project you were</p> <p>19 managing that the document identifies you as project</p> <p>20 manager for is the question I'm asking.</p> <p>21 A. Oh, no. I did not have a -- a specific</p> <p>22 title. So this -- whoever wrote this document just</p> <p>23 put that in there. In terms of specific projects, I</p> <p>24 handled a variety of projects, so this could be</p>
Page 31	Page 32
<p>1 anything. It's just a general -- it just says:</p> <p>2 Report to Robert Rice, project manager.</p> <p>3 Q. Can you tell me what the differences</p> <p>4 between a project manager and a program manager is?</p> <p>5 A. In the context of my understanding of</p> <p>6 these terms in general industry parlance, project</p> <p>7 manager is something specific, i.e., a project, like,</p> <p>8 dig a ditch. Whereas, a program manager would be</p> <p>9 something broader, like, build a building that might</p> <p>10 have a ditch.</p> <p>11 Q. Okay.</p> <p>12 To the left of your name it says:</p> <p>13 Reports to.</p> <p>14 Did Kurt Merriweather report to you</p> <p>15 during the duration of this agreement?</p> <p>16 A. No.</p> <p>17 Q. Did Nick Johnson?</p> <p>18 A. He sort of.</p> <p>19 Q. Can you explain what you mean by "sort</p> <p>20 of?"</p> <p>21 A. Yeah. It was not a -- a direct report</p> <p>22 sort of relationship. It was more of a collegiate or</p> <p>23 a collaborative.</p> <p>24 Q. I think understand.</p>	<p>1 MR. LAVERY: Can we just clarify</p> <p>2 whether this project, which we haven't named</p> <p>3 at this point, although I think we have some</p> <p>4 instructions from a judge on it and the names</p> <p>5 on there, was -- was not Mariner East 2 just</p> <p>6 so there's no confusion on the record? Or if</p> <p>7 you can ask him that question, one or the</p> <p>8 other.</p> <p>9 MR. MARKOS: You know, I'm trying to be</p> <p>10 careful about it.</p> <p>11 MR. LAVERY: No. And I certainly</p> <p>12 appreciate that. And that's why I am, too.</p> <p>13 I'm not even bringing up the name of it, but</p> <p>14 it looks like it relates to another project.</p> <p>15 I mean, you can certainly ask him if this also</p> <p>16 related, you know, to Mariner 2. That's</p> <p>17 within your province to do that. But I just</p> <p>18 want to make sure the record is clear so</p> <p>19 there's no implication that this is a Mariner</p> <p>20 2 contract.</p> <p>21 MR. MARKOS: Yeah.</p> <p>22 BY MR. MARKOS:</p> <p>23 Q. So do you get a lot of reports to you</p> <p>24 that says: Contract name, Robert?</p>

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<p>1 A. Yes.</p> <p>2 Q. And the contract name is DAPL</p> <p>3 Information Operations.</p> <p>4 Was this the only project you were</p> <p>5 working on with TigerSwan in -- in 2016?</p> <p>6 A. I don't remember. I may have worked on</p> <p>7 other projects.</p> <p>8 Q. Okay.</p> <p>9 Did you do any work related to the</p> <p>10 Mariner East 2 pipeline in Pennsylvania pursuant to a</p> <p>11 contract named DAPL Information Operations?</p> <p>12 A. No. I did not.</p> <p>13 Q. Did you do any work pertaining to the</p> <p>14 Mariner East 2 pipeline in Pennsylvania pursuant to</p> <p>15 your consulting work with TigerSwan?</p> <p>16 A. No. I did not.</p> <p>17 Q. This is Cedar Fork 3. And there's a</p> <p>18 bunch of these. I'm just going to show you this one</p> <p>19 in particular. This is an invoice that Nick Johnson</p> <p>20 submitted.</p> <p>21 Have you ever seen this before?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 When did you see it?</p>	<p>1 A. In context of the attorney meeting.</p> <p>2 Q. Okay.</p> <p>3 Was this -- what I was really trying to</p> <p>4 ask you is: Was this invoice submitted to you for</p> <p>5 approval for payment back when it was written?</p> <p>6 A. My first time seeing this document was</p> <p>7 in conversation with the attorneys.</p> <p>8 Q. Okay.</p> <p>9 Did you also connect Kurt Merriweather</p> <p>10 to TigerSwan?</p> <p>11 A. Can you be specific about what you mean</p> <p>12 by connect?</p> <p>13 Q. Did you make the introduction?</p> <p>14 A. Not directly.</p> <p>15 Q. Were you working with other people</p> <p>16 around 2016 who knew Kurt Merriweather at TigerSwan?</p> <p>17 A. I'm not -- not quite sure what -- what</p> <p>18 you're asking. I'm trying to be specific in my</p> <p>19 answers. If you will allow me to go back a second</p> <p>20 and maybe rephrase.</p> <p>21 Q. All right.</p> <p>22 A. So Kurt was somebody that I knew and</p> <p>23 was, as I mentioned earlier, kind of the referral</p> <p>24 source to Nick. So my -- at the time I was looking</p>
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<p>1 for somebody to help me, so that was Nick.</p> <p>2 So I don't recall a specific</p> <p>3 hello-TigerSwan-this-is-Kurt sort of conversation.</p> <p>4 But I'm sure he would have, you know, had at least a</p> <p>5 conversation somewhere around there. I mean, he --</p> <p>6 he wasn't really involved in any of this. So as to</p> <p>7 whether or not somebody else knew him in some other</p> <p>8 context, you know, I have -- I have no insight to</p> <p>9 that.</p> <p>10 Q. Perfectly fair.</p> <p>11 Let me ask you, if you know, you said</p> <p>12 you were, you know, a direct independent contractor</p> <p>13 with TigerSwan, right?</p> <p>14 A. I said I was a consultant or a</p> <p>15 contractor, yes.</p> <p>16 Q. But you had an agreement directly with</p> <p>17 them, not through any intermediary, right?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay.</p> <p>20 Do you know why if you brought Nick</p> <p>21 Johnson on to help you with your work you were doing</p> <p>22 for TigerSwan, why TigerSwan wouldn't have made an</p> <p>23 agreement directly with him the same way you had it?</p> <p>24 A. I can't speculate for -- for</p>	<p>1 Tigerswan's intentions.</p> <p>2 Q. Fair enough.</p> <p>3 And going back to 2016 and 2017, I'm</p> <p>4 assuming you would have known Shawn Sweeney at</p> <p>5 TigerSwan?</p> <p>6 A. I'm sorry. I could not hear you.</p> <p>7 Q. I'm assuming you would have known Shawn</p> <p>8 Sweeney at TigerSwan?</p> <p>9 A. Yes.</p> <p>10 Q. Did you also know Derrick Borrer?</p> <p>11 A. I couldn't hear you.</p> <p>12 Q. Derrick Borrer?</p> <p>13 A. Yes.</p> <p>14 Q. Jim Reese?</p> <p>15 A. Yes.</p> <p>16 Q. What about Nick McKinnon?</p> <p>17 A. I know the name but I don't recall</p> <p>18 meeting them face-to-face.</p> <p>19 Q. Al Ornoski?</p> <p>20 A. I'm sorry?</p> <p>21 Q. Al Ornoski?</p> <p>22 A. I don't remember.</p> <p>23 Q. John Porter?</p> <p>24 A. Never met.</p>

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<p>1 Q. Chad McGinty?</p> <p>2 A. Never heard of.</p> <p>3 Q. Brian Smith?</p> <p>4 A. Familiar; don't recall much</p> <p>5 interaction.</p> <p>6 Q. What TigerSwan employees did you</p> <p>7 primarily interact with in 2016 and 2017?</p> <p>8 A. It would have been, as you said, Shawn</p> <p>9 Sweeney, Derrick Borrer, Jim Reese, obviously. There</p> <p>10 was two people in the HR payroll. It was Heidi --</p> <p>11 no, not Heidi, Hailey, and Cheryl, maybe. And there</p> <p>12 might have been maybe one or two other people through</p> <p>13 the office that I might have seen in passing in the</p> <p>14 hallway or I might have chatted with.</p> <p>15 Q. How big was the office?</p> <p>16 A. I have no idea.</p> <p>17 Q. Well, do you know how many office space</p> <p>18 there are?</p> <p>19 A. I also have no idea. It's been several</p> <p>20 years since I have been there.</p> <p>21 Q. Did you have a dedicated office space</p> <p>22 or a desk space?</p> <p>23 A. There was an area in the corner of an</p> <p>24 open -- of an open area, like -- kind of like a</p>	<p>1 hallway where I had a desk, yes, but I didn't have a</p> <p>2 specific office.</p> <p>3 Q. Are you familiar with a Facebook page</p> <p>4 called PA Progress?</p> <p>5 A. I am peripherally familiar with it,</p> <p>6 yes.</p> <p>7 Q. You say "peripherally?"</p> <p>8 A. Yes.</p> <p>9 Q. How did you become familiar with it?</p> <p>10 A. It would have come up in conversation</p> <p>11 at the time but it's not something that I spent any</p> <p>12 time either contributing to or being involved in, so</p> <p>13 peripherally aware.</p> <p>14 Q. Who did you have conversations about it</p> <p>15 with?</p> <p>16 A. It would have been Nick.</p> <p>17 Q. Did you have conversations about it</p> <p>18 with Kurt Merriweather?</p> <p>19 A. I do not recall, no.</p> <p>20 Q. Any of the TigerSwan names we just went</p> <p>21 through?</p> <p>22 A. No.</p> <p>23 Q. What did you talk about with Nick about</p> <p>24 PA Progress?</p>
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<p>1 A. I don't remember. I would speculate</p> <p>2 that it would have just been a hey, what are you up</p> <p>3 to, what are you working on, or hey, this is funny</p> <p>4 sort of conversation.</p> <p>5 Q. Are you familiar with a website called</p> <p>6 Black Badger Report?</p> <p>7 A. I am familiar with the domain name.</p> <p>8 Q. Meaning just BlackBadgerReport.com and</p> <p>9 nothing else?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 How did you become aware of the fact</p> <p>13 that that domain name existed?</p> <p>14 A. I don't remember but I believe that</p> <p>15 domain was one of many that I had owned at the time</p> <p>16 and I might have made it available.</p> <p>17 Q. Who did you make it available to?</p> <p>18 A. It would have -- it would have just</p> <p>19 been Nick, basically.</p> <p>20 Q. Okay.</p> <p>21 If I understand you correctly, you</p> <p>22 never posted any content onto BlackBadgerReport.com</p> <p>23 URL?</p> <p>24 A. I may have if I was, you know, setting</p>	<p>1 it up or configuring on the server side or even --</p> <p>2 even the front end.</p> <p>3 Q. I just don't know.</p> <p>4 What's front end?</p> <p>5 A. Oh, in this -- this context, the front</p> <p>6 end would be the -- the -- the framework for the</p> <p>7 website, you know, kind of like WordPress or</p> <p>8 Squarespace or something along those lines.</p> <p>9 Q. Not the name of a user like a web</p> <p>10 browser would see, somebody like me surfing the</p> <p>11 internet?</p> <p>12 A. Correct. Yes.</p> <p>13 Q. And then, just so I understand, you</p> <p>14 didn't -- you don't think you would have posted</p> <p>15 anything on BlackBadgerReport.com that an internet</p> <p>16 user would see if they went to the website?</p> <p>17 MR. LAVERY: I mean, you can only tell</p> <p>18 him what you remember.</p> <p>19 I mean, do you remember anything like</p> <p>20 that?</p> <p>21 THE WITNESS: I do not remember making</p> <p>22 any posts or content. I may have -- at least</p> <p>23 I don't remember. I may have also done other</p> <p>24 things like header graphics or, you know,</p>

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<p>1 like, setting up a WordPress sort of think.</p> <p>2 So yeah. I probably would have stuck a</p> <p>3 copyright thing down at the bottom, basic</p> <p>4 stuff. So I mean, that -- that is considered</p> <p>5 content, as well in this industry. So I'm</p> <p>6 trying to -- I'm trying to answer and be</p> <p>7 specific.</p> <p>8 BY MR. MARKOS:</p> <p>9 Q. That's fair enough.</p> <p>10 When you say "industry," are you</p> <p>11 talking just tech in general?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 During the period of time that we've</p> <p>15 been talking about, '16 and '17, you were working on</p> <p>16 social media typically, right?</p> <p>17 A. I'm sorry?</p> <p>18 Q. During the time period we've been</p> <p>19 talking about today, 2016 and '17, you were doing</p> <p>20 work specifically in social media; is that fair?</p> <p>21 MR. LAVERY: I'm just going to object.</p> <p>22 Are you asking him is that all -- is</p> <p>23 that the majority, is that all of his work,</p> <p>24 did he do other work? I'm just trying to get</p>	<p>1 a clear record. I'm not trying to bust your</p> <p>2 stones. I just want to get a clear record on</p> <p>3 that.</p> <p>4 MR. MARKOS: Yeah. We're not even</p> <p>5 there yet; if that was part of what his work</p> <p>6 entailed at that period of time. We can</p> <p>7 narrow it down then.</p> <p>8 THE WITNESS: During that time I did do</p> <p>9 work related to social media.</p> <p>10 By MR. MARKOS:</p> <p>11 Q. Okay.</p> <p>12 Did you use any aliases doing that</p> <p>13 work?</p> <p>14 A. Yeah. I -- I'm pretty sure I did. I</p> <p>15 mean, even for my own personal stuff I used aliases.</p> <p>16 It's not -- it's not common for people to have their</p> <p>17 full, you know, name and address in there, you know,</p> <p>18 Twitter ID or their -- you know, even an email</p> <p>19 account. I mean -- so yeah. Sure.</p> <p>20 Q. Do you remember what aliases you used</p> <p>21 during that period of time?</p> <p>22 A. I have no idea.</p> <p>23 Q. Alan Rice?</p> <p>24 A. Probably.</p>
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<p>1 Q. Okay. This was previously marked as</p> <p>2 Exhibit-2 to Nick Johnson's deposition.</p> <p>3 Do you see question number four? I can</p> <p>4 make it bigger if you need.</p> <p>5 A. A little bigger would be helpful.</p> <p>6 Q. Sure.</p> <p>7 A. Thank you.</p> <p>8 And which one were you asking about?</p> <p>9 Q. Number four.</p> <p>10 A. Number four. Yes.</p> <p>11 Q. Do you see the response?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 Were you an author of content for a PA</p> <p>15 Progress Facebook page?</p> <p>16 A. I may have been. I don't recall. Let</p> <p>17 me be specific about that. I may have been for Black</p> <p>18 Badger Report but I don't recall being involved in PA</p> <p>19 Progress.</p> <p>20 Q. Okay.</p> <p>21 Do you see -- I'm now looking at number</p> <p>22 five right below.</p> <p>23 A. Okay.</p> <p>24 Q. And you are identified as creator of a</p>	<p>1 video posted to the PA Progress Facebook page.</p> <p>2 Do you see that?</p> <p>3 MR. LAVERY: Object to the form of the</p> <p>4 question. It asks -- it doesn't say anything</p> <p>5 about being a creator. It says: Identify all</p> <p>6 individuals involved in the making of any</p> <p>7 videos posted to the PA Progress Facebook</p> <p>8 page. That's the question.</p> <p>9 BY MR. MARKOS:</p> <p>10 Q. It said you were involved in the making</p> <p>11 of a video posted to the PA Progress Facebook page,</p> <p>12 one or more videos.</p> <p>13 A. That's not what it says.</p> <p>14 Q. Well, any videos.</p> <p>15 Were you involved in making any videos</p> <p>16 posted to the PA Progress Facebook page?</p> <p>17 A. I do not recall being involved in</p> <p>18 making any videos that were posted to the PA Progress</p> <p>19 Facebook page.</p> <p>20 Q. Do you know who Roberto Bricchi is?</p> <p>21 A. I'm not familiar with the name, no.</p> <p>22 Q. Give me a sec. Sorry.</p> <p>23 While I'm looking for that, are you</p> <p>24 familiar with a Facebook page called Green</p>

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<p>1 Libertarian Unity?</p> <p>2 A. Green Libertarian Unity? No. I am</p> <p>3 not.</p> <p>4 Q. That's what I said, yeah. Okay. I'm</p> <p>5 going to show what was previously marked as Exhibit-9</p> <p>6 for Nick Johnson's deposition. You'll have to walk</p> <p>7 me through -- I'm scrolling through it. Tell me when</p> <p>8 you want me to go down.</p> <p>9 My question is: Have you seen this</p> <p>10 before?</p> <p>11 A. Yes.</p> <p>12 Q. And have you seen it before the year</p> <p>13 2022?</p> <p>14 A. No, not that I'm aware of.</p> <p>15 Q. Okay.</p> <p>16 Have you seen any of the images</p> <p>17 separate from the rest of the document before?</p> <p>18 A. I don't believe so.</p> <p>19 Q. You know, I should have probably asked</p> <p>20 you a little more before.</p> <p>21 Can you tell me what exactly is your,</p> <p>22 like, work background?</p> <p>23 A. I have a varied background. I would</p> <p>24 characterize myself as a -- an industry expert in</p>	<p>1 terms of interactive media; 3D graphics; web</p> <p>2 technologies; augmented reality; virtual reality;</p> <p>3 simulations; virtual worlds; live in a blockchain;</p> <p>4 some cyber security, as well as, you know, things of</p> <p>5 that -- that nature, games, whatnot.</p> <p>6 Q. Let's see if this works.</p> <p>7 Do you see this website?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 Can you hear that: Hey guys?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 * * * * *</p> <p>14 (Whereupon, 12 seconds of a video clip</p> <p>15 was played.)</p> <p>16 * * * * *</p> <p>17 BY MR. MARKOS:</p> <p>18 Q. It's about 12 seconds into that video</p> <p>19 now.</p> <p>20 Now going to -- have you seen this</p> <p>21 video before?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 Have you seen the video before 2022?</p>
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<p>1 A. Yes.</p> <p>2 Q. How did you come to see the video?</p> <p>3 A. I don't remember.</p> <p>4 Q. Do you remember if you found it on your</p> <p>5 own or if it was shared with you?</p> <p>6 A. I don't remember. It -- yeah. I don't</p> <p>7 remember.</p> <p>8 Q. Did you contribute to the production of</p> <p>9 this video?</p> <p>10 A. No. I did not.</p> <p>11 Q. Have you seen the person in this video</p> <p>12 before, outside of seeing it in a video on the</p> <p>13 internet?</p> <p>14 A. No.</p> <p>15 * * * * *</p> <p>16 (Whereupon, six seconds of a video clip</p> <p>17 was played.)</p> <p>18 * * * * *</p> <p>19 BY MR. MARKOS:</p> <p>20 Q. Have you seen that video before?</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember when you saw it?</p> <p>23 A. No.</p> <p>24 Q. Do you remember how you came to see it?</p>	<p>1 A. Nope.</p> <p>2 Q. He said he was reporting for Louisiana</p> <p>3 First.</p> <p>4 Are you familiar with the Facebook page</p> <p>5 Louisiana First?</p> <p>6 A. No. I am not.</p> <p>7 THE COURT REPORTER: Christopher?</p> <p>8 MR. MARKOS: Yeah?</p> <p>9 THE COURT REPORTER: When you play the</p> <p>10 videos, do you want me to write down what the</p> <p>11 person's saying or just put a parenthetical</p> <p>12 that it was played?</p> <p>13 MR. MARKOS: You can put a</p> <p>14 parenthetical that 12 seconds of the first one</p> <p>15 and six seconds of the second one. That's</p> <p>16 fine.</p> <p>17 THE COURT REPORTER: Okay. Thank you.</p> <p>18 MR. MARKOS: Would you like me to</p> <p>19 dictate the URL?</p> <p>20 THE COURT REPORTER: Whatever you want</p> <p>21 to do to identify it.</p> <p>22 MR. MARKOS: Okay. I'll identify it,</p> <p>23 other than read it to you. Theintercept.com,</p> <p>24 Backslash, 2017, backslash, 08, backslash, 26,</p>

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<p>1 backslash, DAPL, hyphen, security, hyphen, 2 firm, hyphen, TigerSwan, hyphen, respondent, 3 hyphen, two, hyphen, pipeline, hyphen, 4 vandalism, hyphen, by, hyphen, launching, 5 hyphen, multi state, hyphen, dragnet. I 6 didn't write the title. 7 BY MR. MARKOS: 8 Q. So I was asking you about your work 9 history. 10 Do you remember in 2017, let's say, did 11 you have any employers other than your consulting job 12 with TigerSwan? 13 MR. LAVERY: Object to the form of the 14 question. 15 But you can answer. 16 THE WITNESS: I believe so. I mean, I 17 did a variety of contract consulting work and 18 I also was working on my own company in 19 startup. 20 BY MR. MARKOS: 21 Q. Did you have one or more than one 22 company that you had control over that you worked 23 for? 24 A. I don't recall but at the time it</p>	<p>1 probably would have been just one. 2 Q. Okay. This is a website called, I 3 guess, psychopaths in charge. K Young 4, 4 WordPress.com, backslash, 2017, backslash, 07, 5 backslash, 12, backslash, The Bridge With Kira Live 6 from Camp White Pine, hyphens between all of the 7 words. 8 Have you seen this website before, 9 Robert? 10 A. I do not believe so, no. 11 Q. The video on the website, I'm going to 12 play a second of it. 13 ***** 14 (Whereupon, 45 seconds of a video clip 15 was played.) 16 ***** 17 MR. MARKOS: Susan, note I jumped to 18 about 6:15 and played about 45 seconds of the 19 video. 20 MR. LAVERY: Yeah. I think you played 21 it until about 6:42, I think, Chris. 22 MR. MARKOS: It says: 6:58. 23 MR. LAVERY: All right. I just saw 24 6:42 when you ended it. But either way,</p>
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<p>1 either one is fine by me. 2 BY MR. MARKOS: 3 Q. And then below it it says: In a 4 talking circle style interview, Kira talks to Camp 5 White Pine activists. 6 I know it's a long way of asking a 7 simple question, but if you recall, did you listen to 8 or watch this video before, Robert? 9 A. I do not believe so. This is the first 10 time for me. 11 Q. You said that you got Nick involved to 12 help you in what you were doing, right, Nick Johnson? 13 A. I -- I -- I believe that's what I said. 14 Q. Yeah. 15 And you said it was an egalitarian kind 16 of sharing of the workload; fair? 17 A. I don't recall saying the word 18 egalitarian. 19 Q. No. You didn't say that. But you said 20 it wasn't like -- he wasn't reporting to you. 21 You weren't watching over his shoulder 22 and supervising him; is that fair? 23 A. In general, yes. 24 Q. Okay.</p>	<p>1 Was there somebody at TigerSwan who was 2 supervising whatever work Nick Johnson was doing? 3 A. No. In most context, if there was a 4 need for any supervise or anything it would have been 5 me. But as I said, our relationship was fairly 6 casual. 7 Q. Sure. 8 What about, you know, assigning work? 9 How would Nick Johnson be assigned 10 work? 11 MR. LAVERY: Object to form without 12 foundation. 13 But go ahead. You can answer. 14 THE WITNESS: In the normal course of 15 our working relationship we would sit and 16 discuss things that may need to be done or a 17 direction that we thought things may need to 18 go or, you know, it was sort of self tasking 19 to some degree. You know, if I -- for 20 example, if I needed to get a ditch dug and we 21 were, you know, discussing about the ditch, 22 you know, I might volunteer to grab a shovel 23 and dig on the left and he might volunteer to 24 grab a wheelbarrow or he may just kind of go</p>

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<p>1 off on his own and grab a shovel and start</p> <p>2 digging the ditch from the other side.</p> <p>3 So it wasn't, like, a normal, you know,</p> <p>4 work environment where somebody walks in with,</p> <p>5 you know, a great big list of tasks in a</p> <p>6 highly managed sort of environment where we</p> <p>7 have very specific things to get done, if</p> <p>8 that -- if that makes any sense.</p> <p>9 BY MR. MARKOS:</p> <p>10 Q. I think it does.</p> <p>11 So using your metaphor, you know, of</p> <p>12 digging a ditch and building a house, as a consultant</p> <p>13 with TigerSwan, was the house being built for either</p> <p>14 Energy Transfer Partners, Sunoco Pipeline or Sunoco</p> <p>15 Logistics?</p> <p>16 MR. LAVERY: Object to form.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: Can you be more specific?</p> <p>19 You asked about several different things</p> <p>20 there.</p> <p>21 BY MR. MARKOS:</p> <p>22 Q. Great. So I'm asking about three</p> <p>23 related entities, Energy Transfer Partners, Sunoco</p> <p>24 Pipeline, Sunoco Logistics.</p>	<p>1 Okay?</p> <p>2 Using the metaphor you used earlier of</p> <p>3 digging a ditch versus building a house, as a</p> <p>4 consultant at TigerSwan, was the house that you were</p> <p>5 working on for those entities?</p> <p>6 MR. LAVERY: Object to form.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: I believe I stated</p> <p>9 earlier that I did not work on anything</p> <p>10 related to the ME2 pipeline.</p> <p>11 BY MR. MARKOS:</p> <p>12 Q. Yes, but that wasn't what I asked you.</p> <p>13 A. Okay.</p> <p>14 MR. LAVERY: Just so I can understand</p> <p>15 the record at this point, you're just asking</p> <p>16 him in general?</p> <p>17 MR. MARKOS: I am.</p> <p>18 MR. LAVERY: With all projects that he</p> <p>19 did with TigerSwan?</p> <p>20 This is not focusing on ME2 because he</p> <p>21 said he gave no direction or supervision on</p> <p>22 ME2.</p> <p>23 So am I correct on that?</p> <p>24 MR. MARKOS: Yes, Frank.</p>
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<p>1 MR. LAVERY: Okay.</p> <p>2 Go ahead. You can answer then, Robert.</p> <p>3 THE WITNESS: As shown on the previous</p> <p>4 documentation you shared, I was involved in</p> <p>5 another project underneath or that was related</p> <p>6 to Energy Transfer.</p> <p>7 BY MR. MARKOS:</p> <p>8 Q. Right.</p> <p>9 And that project referenced the Dakota</p> <p>10 Access Pipeline, right?</p> <p>11 A. Yes.</p> <p>12 Q. Did you work on any other projects that</p> <p>13 were either Energy Transfer or Sunoco projects during</p> <p>14 your time with TigerSwan?</p> <p>15 A. Other than the other one that I</p> <p>16 mentioned where I did the security review for a</p> <p>17 facility?</p> <p>18 Q. Yes.</p> <p>19 A. The answer's no.</p> <p>20 Q. Okay.</p> <p>21 Was it a cyber security or, like, a</p> <p>22 physical -- something other physical location?</p> <p>23 A. It was a little of both and more</p> <p>24 physical.</p>	<p>1 Q. Okay.</p> <p>2 You were still an independent</p> <p>3 contractor or consultant during TigerSwan in July of</p> <p>4 '17; would you agree with that?</p> <p>5 A. That sounds about right. I don't</p> <p>6 recall the last time that I did work there so . . .</p> <p>7 Q. Okay.</p> <p>8 Do you recall if you were still working</p> <p>9 there in August of '17?</p> <p>10 A. I have no idea.</p> <p>11 MR. LAVERY: I'm sorry. I just object</p> <p>12 to the form. I'm sorry.</p> <p>13 BY MR. MARKOS:</p> <p>14 Q. When you -- during the course of your</p> <p>15 consulting work for TigerSwan, did they pay you</p> <p>16 directly or did they pay, you know, a company that</p> <p>17 you controlled?</p> <p>18 A. I think they always paid me directly.</p> <p>19 Q. Okay.</p> <p>20 So would you be able to look at your</p> <p>21 payment records and determine when you stopped being</p> <p>22 paid by TigerSwan?</p> <p>23 A. I wasn't paid on a regular basis, like,</p> <p>24 somebody would be on, like, salary or something. So</p>

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<p>1 I'd have to figure out when the last time was that I</p> <p>2 did work that they would have paid me for, and I</p> <p>3 don't know when that is and I don't know how far back</p> <p>4 I could maybe find bank records for, so I don't know.</p> <p>5 Q. Fair.</p> <p>6 If you were an independent contractor</p> <p>7 in 2017 you would have filed a 1099, right?</p> <p>8 A. Yeah.</p> <p>9 Q. Do you maintain your tax records going</p> <p>10 back to 2017?</p> <p>11 A. I do not. I have an accountant that</p> <p>12 does.</p> <p>13 Q. Who is your accountant?</p> <p>14 MR. LAVERY: I don't think he has to</p> <p>15 give -- you don't have to give them your</p> <p>16 personal accountant. I mean, if you want</p> <p>17 records from his accountant, Chris, related</p> <p>18 specifically to this subject, get me a request</p> <p>19 and I'll work with -- I'll work with him on</p> <p>20 it. But he's not disclosing his personal</p> <p>21 accountant.</p> <p>22 MR. MARKOS: That's fine, Frank.</p> <p>23 MR. LAVERY: I know. But seriously,</p> <p>24 I'm not trying to obstruct you. If you give</p>	<p>1 me a proper request for it, I will get it for</p> <p>2 you.</p> <p>3 MR. MARKOS: Sure. I don't know what</p> <p>4 else to ask for besides his 1099s from 2017.</p> <p>5 MR. LAVERY: Yeah. I know. I'd ask</p> <p>6 him the same thing if I were you. That's</p> <p>7 fine.</p> <p>8 MR. MARKOS: Okay.</p> <p>9 BY MR. MARKOS:</p> <p>10 Q. (Inaudible)</p> <p>11 A. I can't hear you.</p> <p>12 Q. Can you hear me now?</p> <p>13 A. Yes.</p> <p>14 MR. LAVERY: I think it's when you move</p> <p>15 back or away from whatever the microphone</p> <p>16 source is that's a problem.</p> <p>17 MR. MARKOS: This computer has two,</p> <p>18 quote, unquote 360 degree microphones.</p> <p>19 MR. LAVERY: Good luck with that.</p> <p>20 MR. MARKOS: But you guys tell me all</p> <p>21 the time that you can't hear me, so I don't</p> <p>22 know. I'm going to blame the technology.</p> <p>23 MR. LAVERY: I can hear you fine. As</p> <p>24 long as you're, like, right there, I can hear</p>
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<p>1 you fine. It's when you kind of move a little</p> <p>2 bit, that's the problem.</p> <p>3 MR. MARKOS: Yeah.</p> <p>4 BY MR. MARKOS:</p> <p>5 Q. You said you had some conversations</p> <p>6 with Nick Johnson and he mentioned PA Progress,</p> <p>7 right?</p> <p>8 A. When?</p> <p>9 Q. At some point.</p> <p>10 A. I'm sure, yeah.</p> <p>11 Q. Yeah.</p> <p>12 Did he say that he was working on that</p> <p>13 at all, that he was working on that?</p> <p>14 A. I'm sure he did.</p> <p>15 Q. Did he say if he was working with</p> <p>16 anybody else?</p> <p>17 A. What do you mean?</p> <p>18 Q. Like, if anybody else was helping him</p> <p>19 on that Facebook page.</p> <p>20 A. I'm not aware of anybody else that</p> <p>21 would have been working on that.</p> <p>22 MR. MARKOS: This will be Exhibit-4. I</p> <p>23 don't think it's Bates stamped. It might have</p> <p>24 been but I don't have the one that is.</p>	<p>1 MR. LAVERY: It's been produced -- it's</p> <p>2 been produced in the case, though?</p> <p>3 MR. MARKOS: I'm pretty sure it's in</p> <p>4 our initial disclosures, Frank.</p> <p>5 MR. LAVERY: It could have been. I</p> <p>6 just have so much stuff in this case that it's</p> <p>7 hard to keep track of it all. Okay.</p> <p>8 MR. MARKOS: You know what? Give me a</p> <p>9 second. I'll make sure. If I can find the</p> <p>10 Bates stamp, I'm happy to provide it.</p> <p>11 MR. LAVERY: I'm not doubting you,</p> <p>12 Chris. I'm just saying I don't specifically</p> <p>13 remember it. But if you tell me it was, then</p> <p>14 I believe you.</p> <p>15 BY MR. MARKOS:</p> <p>16 Q. Back to it. It's a PDF. It's not a</p> <p>17 website. This is the second page of the document.</p> <p>18 Do you see these images and words,</p> <p>19 Robert?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 So looking at what you can see right</p> <p>23 now, does this refresh your recollection one way or</p> <p>24 the other if you had any involvement in the three</p>

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<p>1 links at the top of this page?</p> <p>2 A. What are the links?</p> <p>3 Q. Okay.</p> <p>4 You have report, Russian -- Russian</p> <p>5 funding environmental activist groups to shake up</p> <p>6 American energy markets, report, The Intercept is</p> <p>7 connected to communist groups, report, water</p> <p>8 protector leaks details on shocking camp life.</p> <p>9 A. Okay.</p> <p>10 So you're referring to these as</p> <p>11 articles? Oh, I see. So when you hoover over it I</p> <p>12 can see the links. Okay. I'm sorry.</p> <p>13 But would you repeat the question? I</p> <p>14 understand what you're talking about.</p> <p>15 Q. So what we're looking at right now,</p> <p>16 does this refresh your recollection one way or the</p> <p>17 other whether you may have worked on any of these</p> <p>18 three links?</p> <p>19 A. These look familiar but I don't recall</p> <p>20 working on either of these links or -- or</p> <p>21 contributing to writing.</p> <p>22 Q. The same question for the next three</p> <p>23 here.</p> <p>24 A. The same as before.</p>	<p>1 Q. Okay. What I just put up is Bates</p> <p>2 stamped Gerhart 88 to 125.</p> <p>3 MR. LAVERY: I'm sorry.</p> <p>4 Can you give me that again, the</p> <p>5 numbers.</p> <p>6 MR. MARKOS: 88 to 125.</p> <p>7 MR. LAVERY: Okay.</p> <p>8 MR. MARKOS: This was definitely part</p> <p>9 of our initial disclosures because that's</p> <p>10 where I found it.</p> <p>11 BY MR. MARKOS:</p> <p>12 Q. Okay. I'm going to ask you some</p> <p>13 questions, Robert, just like I asked before, if you</p> <p>14 have any recollection of creating or contributing to</p> <p>15 posts on PA Progress.</p> <p>16 So do you see this link to the video</p> <p>17 that we looked at before?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 There's a caption above it, PA Progress</p> <p>21 added a video?</p> <p>22 A. Uh-huh. Yes.</p> <p>23 Q. Any recollection one way or the other</p> <p>24 if you had any involvement in this posting to</p>
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<p>1 5Facebook?</p> <p>2 A. I did not.</p> <p>3 Q. All right. Back to Gerhart 97 -- 99,</p> <p>4 the same question.</p> <p>5 Any recollection if you had any help in</p> <p>6 creating or posting this?</p> <p>7 A. I did not.</p> <p>8 Q. You did not or you don't recall?</p> <p>9 A. No. I did not contribute or post or .</p> <p>10 . .</p> <p>11 Q. This one is long so I can scroll and</p> <p>12 you tell me, but the same question.</p> <p>13 A. I did not.</p> <p>14 Q. You did not post this or contribute?</p> <p>15 A. That's correct.</p> <p>16 MR. LAVERY: What's the page number on</p> <p>17 that, Chris, so we have it?</p> <p>18 MR. MARKOS: Gerhart 105 to 106.</p> <p>19 MR. LAVERY: Okay.</p> <p>20 MR. MARKOS: Actually to 107.</p> <p>21 BY MR. MARKOS:</p> <p>22 Q. I think I asked you before and I will</p> <p>23 ask you again, 122 now, cheat sheet to identify Camp</p> <p>24 White Pine leaders and supporters.</p>	<p>1 Did you contribute to this post?</p> <p>2 A. No.</p> <p>3 Q. This is 124, PA Progress posting a link</p> <p>4 to BlackBadgerReport.com.</p> <p>5 Did you create or contribute to this</p> <p>6 post?</p> <p>7 A. No.</p> <p>8 Q. Do you know if Nick Johnson did?</p> <p>9 A. I don't know directly.</p> <p>10 Q. Do you know if anybody else had access</p> <p>11 to PA Progress Facebook page?</p> <p>12 A. I do not know who had access to the</p> <p>13 page.</p> <p>14 Q. I'm going to ask the same question</p> <p>15 about Nick Johnson with what I already went through</p> <p>16 with you, so page 105.</p> <p>17 Do you know if Nick Johnson posted</p> <p>18 this: New information on Huntington protest camp has</p> <p>19 surfaced?</p> <p>20 A. I don't know who posted any of this</p> <p>21 stuff on this site. I don't know who had access to</p> <p>22 it and I don't know who created it. I can make</p> <p>23 assumptions, but I do not know specifically. I have</p> <p>24 no firsthand knowledge.</p>

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<p>1 MR. MARKOS: Let's take a short break.</p> <p>2 MR. LAVERY: Sure.</p> <p>3 MR. MARKOS: Do you need more than five</p> <p>4 minutes, everybody?</p> <p>5 MR. LAVERY: I don't. Five will cover</p> <p>6 what I need to do.</p> <p>7 MS. WEISS-CALHOON: Going off the</p> <p>8 record at 11:25 Eastern Time.</p> <p>9 *****</p> <p>10 (Whereupon, a brief recess was taken.)</p> <p>11 *****</p> <p>12 (Whereupon, testimony resumed on the</p> <p>13 stenographic and video records.)</p> <p>14 *****</p> <p>15 MS. WEISS-CALHOON: We are now</p> <p>16 recording and back on the record at 11:32</p> <p>17 Eastern Time.</p> <p>18 BY MR. MARKOS:</p> <p>19 Q. Robert, do you know if Nick Johnson</p> <p>20 knew Derrick Borror?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 Did he know Derrick's family?</p> <p>24 A. I'm not aware.</p>	<p>1 Q. Do you know Derrick's family?</p> <p>2 A. I've never met them.</p> <p>3 Q. Okay.</p> <p>4 MR. LAVERY: Last name, Chris, Finley</p> <p>5 or Finley?</p> <p>6 MR. MARKOS: I said Derrick's family.</p> <p>7 MR. LAVERY: Oh, Derrick's family. Got</p> <p>8 it. Sorry.</p> <p>9 BY MR. MARKOS:</p> <p>10 Q. Did you understand my question, Robert?</p> <p>11 A. I believe so, yeah.</p> <p>12 Q. Okay.</p> <p>13 Are you being paid to be here today?</p> <p>14 A. I am not.</p> <p>15 Q. Okay.</p> <p>16 Your position is that -- and I</p> <p>17 shouldn't say position.</p> <p>18 What you said before was you were what</p> <p>19 you would call an independent contractor or a</p> <p>20 consultant for TigerSwan, right?</p> <p>21 A. Say that again.</p> <p>22 Q. You were an independent consultant of</p> <p>23 TigerSwan, that's your testimony?</p> <p>24 A. Yes.</p>
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<p>1 Q. You were never an employee of</p> <p>2 TigerSwan?</p> <p>3 A. That is correct.</p> <p>4 Q. Okay.</p> <p>5 You're represented by an attorney</p> <p>6 today; correct?</p> <p>7 MR. LAVERY: Yes, he is. That's me.</p> <p>8 MR. MARKOS: Okay.</p> <p>9 BY MR. MARKOS:</p> <p>10 Q. Did you -- since you said Kurt was your</p> <p>11 referral source for Nick Johnson, Kurt Merriweather,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And did you report to Kurt about Nick</p> <p>15 Johnson's performance?</p> <p>16 A. I don't recall ever doing so, no.</p> <p>17 MR. MARKOS: Okay. Sorry. Let's go</p> <p>18 off for one second.</p> <p>19 MS. WEISS-CALHOON: Off the record at</p> <p>20 11:34 Eastern Time.</p> <p>21 *****</p> <p>22 (Whereupon, a brief recess was taken.)</p> <p>23 *****</p> <p>24 (Whereupon, testimony resumed on the</p>	<p>1 stenographic and video records.)</p> <p>2 *****</p> <p>3 MS. WEISS-CALHOON: We're back on the</p> <p>4 record at 11:36 Eastern Time.</p> <p>5 BY MR. MARKOS:</p> <p>6 Q. Do you recall, Robert, since we talked</p> <p>7 a little bit about before one of the projects you</p> <p>8 worked on -- worked on pertained to the Dakota Access</p> <p>9 Pipeline, do you recall when encampments opposing the</p> <p>10 pipeline were cleared out?</p> <p>11 MR. LAVERY: Are you talking about</p> <p>12 Dakota Access Pipeline?</p> <p>13 MR. MARKOS: I am.</p> <p>14 MR. LAVERY: I think that's beyond the</p> <p>15 scope of discovery as permitted by the Judge,</p> <p>16 so I'm going to instruct him not to answer</p> <p>17 that.</p> <p>18 MS. CARFLEY: And we join for the</p> <p>19 Energy Transfer co-defendants.</p> <p>20 MR. MARKOS: I'm not asking about work</p> <p>21 that was done on other pipelines. My question</p> <p>22 is if he knows when encampments were cleared</p> <p>23 out, and I don't have a follow-up question to</p> <p>24 that. It's a yes or no.</p>

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<p>1 MR. LAVERY: All right. All right. 2 You know what? Just -- just go ahead 3 and answer it, if you know. If you don't 4 know, that's fine, too. 5 THE WITNESS: I don't know. 6 MR. LAVERY: Don't guess. 7 THE WITNESS: I don't know. 8 MR. MARKOS: That's all I have. 9 MR. LAVERY: Anybody else? 10 THE COURT REPORTER: Excuse me. 11 Who joined in the objection because I 12 couldn't -- 13 MS. CARFLEY: It was Stephanie on 14 behalf of Energy Transfer. 15 MR. LAVERY: All right. Robert, 16 disconnect before they ask you something else, 17 sir. 18 MS. WEISS-CALHOON: Let's end the 19 video. 20 So there's no other questions; correct? 21 All right. Well, that concludes the 22 deposition at 11:38 Eastern Time. 23 * * * * * 24 (Whereupon, a discussion was held on</p>	<p>1 the stenographic record only.) 2 * * * * * 3 THE COURT REPORTER: So I have 4 questions I need to ask the attorneys about 5 the transcript. 6 Christopher, do you get full size, 7 minuscule or both, Christopher Markos? 8 MR. MARKOS: I would just like a mini, 9 Susan. 10 THE COURT REPORTER: Frank? 11 MR. LAVERY: Mini, emailed, please with 12 exhibits, to the extent you get them. 13 THE COURT REPORTER: How about 14 Christopher Gerber? 15 MR. GERBER: Mini is fine. 16 THE COURT REPORTER: Stephanie? 17 MS. CARFLEY: Mini, please. 18 THE COURT REPORTER: Jessica? 19 MS. DAVIS: Just a mini, please. 20 THE COURT REPORTER: Is regular 21 delivery time okay? 22 MR. MARKOS: Regular is fine. 23 * * * * * 24 (Whereupon, the videotaped deposition</p>
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<p>1 was concluded at 11:39 a.m. and Robert Rice 2 was excused.) 3 * * * * * 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p>1 C E R T I F I C A T I O N 2 3 I hereby certify that the proceedings and 4 evidence noted are contained fully and accurately in 5 the stenographic notes taken by me upon the foregoing 6 matter on Thursday, May 5, 2022, and that this 7 is a correct transcript of the testimony given by the 8 witness of the same. 9 10 11 _____ 12 Susan L. Singlar 13 Registered Professional Reporter 14 and Notary Public 15 My Commission Expires: 16 November 20, 2022 17 18 (The foregoing certification of this transcript 19 does not apply to any reproduction of the same by any 20 means, unless under the direct control and/or 21 supervision of the certifying reporter.) 22 23 24</p>

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